

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILLY Y. TATEYAMA,
Plaintiff,
v.
AT&T, INC., et al.,
Defendant

2:11-CV-835 JCM (CWH)

ORDER

15 Presently, before the court is defendants AT&T Inc. and AT&T Savings and Security Plan's
16 motion for summary judgment. (Doc. #29). Plaintiff Billy Y. Tateyama has filed an opposition (doc.
17 #35) to which defendants have replied (doc. #38).

18 Summary judgment is appropriate when, viewing the facts in the light most favorable to the
19 nonmoving party, there is no genuine issue of material fact, and the moving party is entitled to
20 judgment as a matter of law. *Bagdadi v. Nazar*, 84 F.3d 1194, 1197 (9th Cir. 1996); FED. R. CIV.
21 P. 56(C). The moving party bears the burden of presenting authenticated evidence to demonstrate
22 the absence of any genuine issue of material fact for trial. *Celotex Corp. v. Catrett*, 477 U.S. 317,
23 323 (1986); *see Orr v. Bank of America*, 285 F.3d 764 (9th Cir. 2002) (articulating the standard for
24 authentication of evidence on a motion for summary judgment).

25 Whereas the defendants have failed to authenticate any of the evidence provided to support
26 the motion for summary judgment under the standards set forth in *Orr*, the court declines to consider
27 the merits of the motion at this time.

1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
3 summary judgment (doc. #29) be, and the same hereby is, DENIED without prejudice.

4 DATED March 5, 2012.

James C. Mahan
UNITED STATES DISTRICT JUDGE